

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MANINDER SINGH KHATKAR,

Petitioner,

v.

ROBERT J. PALMQUIST, Warden,
Federal Detention Center, et al.,

Respondents.

No. C07-133-JCC-MAT

ORDER

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler (“R&R”) (Dkt. No. 12), and Petitioner’s Objections thereto (Dkt. No. 13). Having reviewed the materials submitted by the parties, and finding that oral argument is not necessary, the Court adopts the R&R.

I. ANALYSIS

Although the R&R recommends granting Petitioner’s writ of habeas corpus invalidating 28 C.F.R. § 570.21, he objects to the manner in which the Bureau of Prisons (“BOP”) must now act with respect to his specific halfway house placement.

In his Objection to the R&R, Petitioner contends that the BOP will not properly reconsider his request to be assigned to a halfway house, and that the BOP will continue to follow the invalid regulation

1 despite a court order to the contrary. Petitioner introduces no evidence to support this contention.
2 While the Court understands Petitioner's concern, the Court has no reason to doubt that the BOP will
3 execute the Court's Order in good faith and must give it an opportunity to comply. If, after the BOP
4 reconsiders his request in light of this Court's decision, Petitioner feels that the BOP did not comply with
5 this Court's Order, he may appeal the BOP's decision.

6 **II. CONCLUSION**

7 For the foregoing reasons, the Court hereby ADOPTS the Report and Recommendation. 28
8 C.F.R. § 570.21 is invalid and the BOP is directed to reconsider Petitioner's request within 14 days of the
9 date of this Order. The Clerk is DIRECTED to send copies of this Order to all counsel and to Judge
10 Theiler.

11 SO ORDERED this 30th day of May, 2007.

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15 John C. Coughenour
16 United States District Judge
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